

Appl. No. 08/922,462  
Reply to Office action of 08/01/2005

## REMARKS

Based on the following remarks, this application is deemed to be in condition for allowance and action to that end is respectfully requested.

### *Summary of Claim Amendments*

Claims 17, 39, 40 and 62 are pending in the application. Applicant has added new claims 63- 66 to, among other things, particularly define the Applicant's invention. Support for the new claims is found in the parent and present continuation application therefore it is believed that no new matter has been added. For example, claim 63 recites the following element:

facilitating the first remote funding source terminal device to selectively forward the credit application to a second remote funding source terminal device if the funding source associated with the first remote funding source terminal declines to approve the credit application...

Support for this element, may be found in the parent application, now US Patent Number 5,878,403, at column 7, lines 15-20.

### *Response To Claim Rejections - 35 U.S.C. § 103(a)*

The Examiner rejected claims 17, 39, 40, and 62 under 35 U.S.C. 103(a) as being unpatentable over Dykstra et al (hereinafter Dykstra), U.S. Patent No. 5,611,052, in view of Branch Banking & Trust Cop. (hereinafter BB&T), "Automated review system drives BB&T's subprime loan business".

Applicant disagrees. To establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the references cited must be proper prior art. For initial examination

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purposes, prior art under 35 U.S.C. § 103 includes references with publication dates before the earliest effective date of application for patent.

Here, the date of the present application is earlier than the date of the BB&T reference. The earliest effective filing date of the present application is September 12, 1995. The BB&T reference has a publication date of July 1997, which is more than a year after the earliest effective filing date of the present application.

The Examiner contends that the BB&T reference allegedly teaches the following element of the pending claims:

sending the credit application from a first remote funding source to a second remote funding source if the first funding source declines to approve the credit application

However, this "lender to lender capability" may be found in the parent application, now US Patent Number 5,878,403, at column 7, lines 15-20, which teaches that the present invention provides "banks with an automated method of sending 'B & C' credit applications, that is, applications with marginal credit quality as opposed to higher quality 'A' credit applications, to their business partners who fund such transactions."

Based on the above, it is submitted that the claims are novel and nonobvious over the cited art. In addition, the claims are fully supported by the parent filing date which is well before the publication date of the BB&T reference relied upon by the Examiner in the rejection of the claims in this application. It is respectfully submitted that the application is in condition for allowance and accordingly, allowance of the application is respectfully requested.

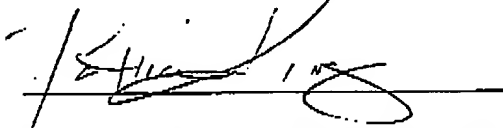
Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the

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case in condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

The Commissioner is authorized to charge all required fees, including any excess claim fees, extension of time fees, terminal disclaimer fees and any additional fees, or credit any overpayment to Deposit Account 06-0923.

Respectfully submitted for Applicant,



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